

**Tennessee Board of Architectural and Engineering Examiners  
Board Meeting  
Davy Crockett Tower  
Nashville, Tennessee**

January 10, 2008

**Board Members Present**

Bob Campbell, Professional Engineer  
James Hastings, Registered Architect  
Philip Lim, Professional Engineer  
Dana Miller, Registered Interior Designer  
David Schuermann, Registered Architect  
William Stockard, Professional Engineer  
Brenda Wood, Public Member

**Board Members Absent**

John Love, Registered Landscape Architect  
Richard Thompson, Registered Architect

**Associate Board Members Present**

Carlton Norris, Professional Engineer  
Raymond White, Professional Engineer

**Associate Board Member Absent**

Dennis Henderson, Professional Engineer

**Staff Present**

Wayne Pugh, Legal Counsel  
John Cothron, Executive Director  
Wanda Phillips, Administrative Manager  
Wanda Garner, Administrative Assistant

**Guests**

The following guests attended all or part of the Board meeting:  
Al Bodie, American Society of Landscape Architects, Tennessee Chapter (ASLA-TN)  
Don Baltimore, Tennessee Interior Design Coalition (TIDC)  
Joel Damons, State Fire Marshal's Office, Codes Enforcement  
Christy Allen, Assistant Commissioner, Department of Health

**CALL TO ORDER**

Dana Miller, chair, called the meeting to order at 9:10 a.m. Roll call determined that a quorum was present.

Mr. Hastings, seconded by Mr. Stockard, moved to accept the agenda with added topics (1) regarding the ability of an Architect Registration Exam candidate to review failed exams and (2) continuing education policies for Registered Interior Designers and Architects relating to health, safety, and welfare. The motion passed unanimously.

*Presentation of Resolution to Christy Allen*

Ms. Miller presented a resolution to Christy Allen, honoring her years of work as the Board's legal counsel.

**CONSENT AGENDA**

*Approval of Minutes (attached)*

Mr. Campbell, seconded by Mr. Stockard, moved to accept the minutes of the November 15, 2007 meeting as written. The motion passed unanimously.

*Staff Complaint Report (attached)*

Mr. Schuermann, seconded by Mr. Hastings, moved to accept the recommendation presented in the Complaint for Board Decision. The motion passed unanimously.

**PROFESSIONAL SOCIETY REPORT**

AL Bodie, ASLA-TN, reminded Board members that Capitol Hill Day is scheduled for February 26, 2008.

**DIRECTOR'S REPORT**

Mr. Cothron submitted Complaint Data (attached), Licensing Data (attached) and gave the following report:

- I have requested to attend the Council of Landscape Architectural Registration Boards (CLARB) Spring Meeting in Indianapolis on February 29-March 1, 2008, in John Love's place.
- We have experienced many problems with the online application review system, which have hopefully been resolved.
- The Board office move has been postponed. The department is currently planning to move to another building within approximately two years.
- New law and rule books have been printed, and we are in the process of mailing them to all registrants and building officials.
- The next edition of the Board's newsletter has been drafted, and will be circulated for review.
- The grant contracts have been drafted and are currently being reviewed.
- The rule changes defining approved master's degree programs and allowing candidates to sit for the Architect Registration Examination (ARE) before completing the Intern Development Program (IDP) have been approved by the Attorney General's office and filed with the Secretary of State and will take effect on March 1, 2008.
- I met with the new Assistant Commissioner for Regulatory Boards, Steve Majchrzak, last month and informed him that the Board's primary goals this year are reducing the number of complaints open over 180 days by scheduling formal hearings, continuing the grants program, and exploring ways to utilize the Board's revenue and reserve funds to better protect the public's health, safety and welfare.
- The Fire Prevention Division has withdrawn the rules adopting the 2006 International Building Code and the 2006 Uniform Fire Code. A public meeting to solicit comments on this matter will be held at 9:00 a.m. on February 15, 2008, in the Tennessee Room of the Snodgrass Tennessee Tower.

## OLD BUSINESS

### *Action Items* (attached)

- Mr. Cothron reported that
  - The Election Process Committee will submit a report today.
  - Studying proposals to increase the grants appropriation amount and other ways that the Board could utilize its reserve funds is ongoing.
  - Information regarding fees charged by other boards for address changes and verification requests (attached) will be discussed in connection with the rulemaking notice.
  - A revised draft of the record/as-built drawings policy with input from the SFMO will be submitted for discussion today.

## PROFESSIONAL SOCIETY REPORT – continued

The chair recognized Don Baltimore, TIDC, who reported that “Design 2008” will be held in Nashville at the end of February.

### *Action Items* – continued

- Mr. Schuermann reported that
  - He had twice attempted to meet with Thomas W. Smith regarding Mr. Smith’s allegations of conflicts among the International Building Code, Construction Specifications Institute (CSI), and the policies of this Board.
  - He is studying the National Council of Architectural Registration Board’s Model Law language to perhaps incorporate the rolling clock language into *Tennessee Code Annotated* § 62-2-504(c).
  - A continuing education policy for architects relating to health, safety and welfare will be submitted later.
  - He is continuing to compare the 1985 Standard Building Code with the 2003 International Building Code in reference to updating *Tennessee Code Annotated* § 62-2-102 to refer to a more recent code.
- Ms. Miller reported that she will be talking to Don Baltimore today regarding concerns about Section 29 of the proposed “Interior Design Consumer Protection Act” and Mr. Pugh will, later in the meeting, present wording for rule 0120-4-.10(16), regarding specifying products and disclosure.
- Mr. Pugh reported that the Notice of Rulemaking Hearing will be presented later and that he had distributed copies of the proposed Rulemaking Hearing.

### *Record/As-Built Drawings Policy* (attached)

The Codes Enforcement section of the State Fire Marshal’s Office (SFMO) submitted comments (attached) regarding the Board’s draft of the Record/As-Built Drawings Policy. After much discussion, Mr. Hastings, seconded by Mr. Schuermann, moved to form a committee to study those comments. Mr. Hastings withdrew his motion. Mr. Schuermann, seconded by Mr. Lim, then moved that the Law and Rules/Policies Committee consider rewording the third point (“The record drawing is believed to be correct to the best of the professional’s knowledge.”) and possibly deleting the fourth

point (“The accuracy of the information cannot be guaranteed.”). The motion passed unanimously.

Mr. Hastings, seconded by Mr. Lim, moved that the Law and Rules/Policies Committee meet on Wednesday, March 12, 2008, and that a representative from the SFMO attend the meeting. The motion passed unanimously.

*Health, Safety, Welfare Policies for Engineers, Architects, and Interior Designers*

The Architect Committee, the Engineer Committee, and the Interior Design Committee, respectively, submitted draft policies giving direction and example topics related to healthy, safety, and welfare issues that could be considered acceptable for credit as professional development hours in fulfilling the continuing education requirement of the Board (attached).

Mr. Stockard, seconded by Mr. Campbell, moved to adopt the policies as written. The motion passed unanimously.

Break 10:20-10:50 a.m.

*Officer Election Procedure (attached)*

Mr. Schuermann, seconded by Mr. Campbell, moved to adopt the “Procedure for Election of Board Officers” as presented by the Nominations Committee. The motion passed unanimously.

*Officer Duties and Committee Responsibilities (attached)*

A list of Board officer duties and standing committee responsibilities was given to Board members for informational purposes only.

*Proposed Rule Changes (attached)*

Mr. Lim, seconded by Mr. Hastings, moved to accept the changes to the rules as stated in the proposed Notice of Rulemaking Hearing with the following exceptions:

- Delete the amendment to rule 0120-1-.26 regarding charging a fee for verifications.
- Delete the amendment to rule 0120-1-.27 regarding charging a fee to change an address.

The motion passed unanimously.

An amendment to rule 0120-2-.08, requiring a registrant to include a notation below the seal noting the expiration date of the registrant’s certificate of registration, which was deleted at the November 2007 meeting, was inadvertently left in this Notice of Rulemaking Hearing and will be deleted from the notice.

**NEW BUSINESS**

*Call for Officer Nominations*

Mr. Campbell, seconded by Mr. Stockard, moved to nominate Jim Hastings as chair for 2008-2009. The motion passed unanimously.

Mr. Lim, seconded by Mr. Schuermann, moved to nominate Bob Campbell as vice-chair for 2008-2009. The motion passed unanimously.

Mr. Hastings, seconded by Mr. Stockard, moved to nominate Philip Lim as secretary for 2008-2009. The motion passed unanimously.

Nominations will be presented to the Board in March and voted on in May.

*E-Mail from Tom Dunlap Re: Bidding and Qualifications Based Selection (attached)*

Mr. Lim, seconded by Mr. Campbell, moved to respond that the Board discussed Mr. Dunlap's questions and concluded that the answer to the first question is, "Yes." The second question falls outside the Board's purview. The motion passed unanimously.

*Reviewing Failed Architect Registration Exams*

An architect exam candidate expressed concern to Mr. Schuermann that he was unable to review the portion(s) of the Architectural Registration Examination (ARE) that he had failed. Mr. Cothron stated that the cost to applicants and the time and effort it would require of staff have discouraged the practice of reviewing exams. Mr. Hastings, seconded by Mr. Schuermann, moved to refer the matter to the Architect Committee charging them with making a decision regarding exam review and proceeding as necessary.

**LEGAL CASE REPORT** (presented by Wayne Pugh) (attached)

1. *Case #L07-AEL-RBS-2007071631* *Complaint #200707163*

Mr. Campbell, seconded by Mr. Hastings, moved to authorize a formal hearing to give counsel authority to settle by a Consent Order in which the respondent would pay a civil penalty of \$1000.00. The Board, also, authorized counsel to open a complaint against the fire sprinkler company. The motion passed unanimously.

2. *Case #L07-AEL-RBS-2007086601* *Complaint #200708660*

Mr. Campbell moved to authorize a formal hearing to give counsel authority to settle by a Consent Order in which the respondent would pay a civil penalty of \$1000.00. After a brief discussion, Mr. Campbell withdrew his motion.

Mr. Stockard, seconded by Mr. Campbell, moved to authorize a formal hearing to give counsel authority to settle by a Consent Order in which the respondent would pay a civil penalty of \$500.00 and take and pass the law and rules exam. The motion passed unanimously.

3. *Case #L05-AEL-RBS-2005040221* *Complaint #200504022*

Mr. Campbell, seconded by Mr. Schuermann, moved to close the case. The motion passed unanimously.

4. *Case #L07-AEL-RBS-2007069021* *Complaint #200706902*

Mr. Lim, seconded by Mr. Schuermann, moved to authorize a formal hearing to give counsel authority to settle by a Consent Order in which the respondent would pay a civil penalty of \$250.00 and take and pass the law and rules exam. The motion passed unanimously.

5. *Case #L07-AEL-RBS-2007088981* *Complaint #200708898*

Mr. Hastings, seconded by Mr. Campbell, moved to close the case with a Letter of Warning. The motion passed unanimously.

6. Case #L07-AEL-RBS-2007087711

*Complaint #200708771*

Mr. Lim, seconded by Mr. Hastings, moved to authorize a formal hearing to give counsel authority to settle by a Consent Order in which the respondent would pay a civil penalty of \$1000.00 and take and pass the law and rules exam.

The meeting adjourned at 12 noon.

ATTACHMENTS

Minutes of the November 15, 2007 Meeting

Staff Complaint Report

Complaint Data

Licensing Data

Action Items

Verification/Address Change Fee Information

Draft of a Record/As-Built Drawings Policy

Comments of the Codes Enforcement section of the SFMO regarding Record/As-Built Drawings Policy

Health Safety, Welfare Policy for Engineers

Health Safety, Welfare Policy for Architects

Health Safety, Welfare Policy for Registered Interior Designers

Officer Election Procedure

Officer Duties and Committee Responsibilities

Proposed Rule Changes

Tom Dunlap's e-mail of November 30, 2007

Legal Case Report